

Message Text

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ACTION L-03

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FM AMEMBASSY DAKAR

TO SECSTATE WASHDC IMMEDIATE 3929

INFO AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L DAKAR 1088

E.O. 11652: GDS

TAGS: PFOR, SNAR, SG, CPRS, AF

SUBJECT: UNITED STATES VS. ORSINI

REF: STATE 043313

1. AS INSTRUCTED BY DEPT., EMBASSY DELIVERED NOTE TO FONMINISTRY MORNING FEB. 23 INFORMING GOS OF COURT ORDER FOR TAKING DEPOSITIONS. DCM HANDED NOTE TO BRUNO DIATTA, TECHNICAL COUNSELOR TO SECRETARY GENERAL AND ALSO DELIVERED COPY TO TECHNICAL COUNSELOR WANE BIRANE. DCM REVIEWED NOTE WITH BIRANE AND EXPRESSED HOPE FOR REPLY AS SOON AS APPROPRIATE AUTHORITIES HAD EXAMINED PROPOSAL FOR DEPOSITIONS.

2. TEXT OF EMBASSY'S NOTE FOLLOWS:

QUOTE: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF STATE FOR FOREIGN AFFAIRS OF THE REPUBLIC OF SENEGAL AND HAS THE HONOR TO REFER TO THE EMBASSY'S NOTE NUMBER 275 OF NOVEMBER 7, 1975 CONCERNING DOMINIQUE ORSINI, A COPY OF WHICH IS ATTACHED.

THE EMBASSY HAS BEEN INSTRUCTED BY ITS GOVERNMENT TO INFORM THE MINISTRY OF STATE FOR PURSUANT TO A MOTION MADE BY THE DEFENSE ATTORNEY FOR MR. ORSINI, UNITED STATES DISTRICT COURT JUDGE HENRY BRAMWELL, EASTERN NEW YORK DISTRICT, HAS ORDERED THAT DEPOSITIONS BE TAKEN FROM CERTAIN WITNESSES CLAIMING TO HAVE
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KNOWLEDGE OF THE CASE. AS A CONSEQUENCE, THE EMBASSY UNDERSTANDS

THAT A PARTY OF FOUR PERSONS WISHES TO TRAVEL TO DAKAR FROM PARIS ABOUT FEBRUARY 23 FOR THE PURPOSE OF TAKING SUCH DEPOSITIONS. THE FOUR MEMBERS OF THE TRAVELING GROUP WOULD BE DEFENSE ATTORNEY SALINA, A COURT STENOGRAPHER FOR THE EASTERN DISTRICT COURT OF NEW YORK, ASSISTANT UNITED STATES ATTORNEY (FOR THE PROSECUTION) DAVID ALLAN DEPETRIS, AND UNITED STATES DRUG ENFORCEMENT AGENT ROBERT JOSEPH PALOMBO.

THE EMBASSY UNDERSTANDS THAT ANY DEPOSITIONS TAKEN WOULD BE USED IN ORSINI'S DEFENSE. ASSISTANT U.S. ATTORNEY DEPETRIS WOULD BE PRESENT ONLY FOR THE PURPOSE OF CROSS EXAMING WITNESSES IN HIS PROSECUTORIAL ROLE. THE EMBASSY UNDERSTANDS THAT AMONG THE WITNESSES IN SENEGAL DEPOSITIONS WOULD BE SOUGHT FROM THE DIRECTOR OF JUDICIAL POLICE, CHEIKH SADIBOU NDIAYE AND DR. J. RODIER OF THE DAKAR PRINCIPAL HOSPITAL.

IF PERMITTED UNDER SENEGALESE LAW, THE DEPOSITIONS WOULD BE TRANSCRIBED BY THE AMERICAN COURT REPORTER AND AUTHENTICATED BY THE EMBASSY'S CONSULAR OFFICER. THE DEPOSITIONS ALSO WOULD BE VIDEO TAPED AND THESE TAPES TRANSMITTED VIA THE EMBASSY TO ITS GOVERNMENT. THE CONSULAR OFFICER OF THE EMBASSY WOULD ADMINISTER OATHS TO THE DEPONENTS.

THE EMBASSY WOULD APPRECIATE IT IF THE MINISTRY OF STATE WOULD INFORM THE APPROPRIATE MINISTRIES OF THE INFORMATION CONTAINED IN THIS NOTE AND TRANSMIT TO THE EMBASSY AS SOON AS POSSIBLE ANY RESPONSE OF THOSE MINISTRIES TO THE PROPOSED PLAN FOR MR. ORSINI'S DEFENSE ATTORNEY TO TAKE THE PROPOSED DEPOSITIONS.

THE EMBASSY TAKES THIS OCCASION TO RENEW TO THE MINISTRY OF STATE THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

ENCLOSURE: A.S.

EMBASSY OF THE UNITED STATES OF AMERICA. DAKAR, FEBRUARY 23, 1976.
END QUOTE.

3. EMBASSY UNDERSTANDS FROM FIELDS/DAVIS TELEPHONE CONVERSATION THAT PEACE CORPS REGIONAL DIRECTOR TORIAN AS WELL AS GENERAL COUNSEL'S OFFICE AND IO/MED HAVE BEEN NOTIFIED OF ORDER FOR CONFIDENTIAL

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DEPOSITION FROM DR. ALBERT J. GREEN. EMBASSY AND DR. GREEN BELIEVE IT WOULD BE INAPPROPRIATE FOR HIM TO GIVE DEPOSITION IN DAKAR WITHOUT BENEFIT OF LEGAL COUNSEL. ACTION REQUESTED: BELIEVE DEPT./PEACE CORPS SHOULD DEVELOP JOINT POSITION ON LATTER QUESTION. IN PARTICULAR, REQUEST EMBASSY BE ADVISED WHETHER IT SHOULD RELY UPON AUSA DEPATRIS FOR LEGAL COUNSEL.
AGGREY

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